

Application No. 10/672,937
Amendment and Reply Dated December 29, 2008
In Response to Office Action Dated October 31, 2008

REMARKS

Continued examination and favorable reconsideration are respectfully requested.

Introduction

Claims 1-9, 11, 16, 18, and 45-46 remain pending in the application. Claims 10, 12-15, 17, 19-44, and 47 were previously canceled without prejudice or disclaimer. By this amendment, claim 1 has been amended. Support for the amendment to claim 1 can be found throughout the specification, for example, at least in paragraphs [0016] and [0131] of corresponding U.S. Patent Application Publication No. US 2004/0142347 A1. No new matter has been added.

Applicants would like to thank Examiner Moran for the courtesies extended to Applicants undersigned representative during the telephone conference of December 8, 2008. During the telephone conference, the rejection of the claims under 35 U.S.C. §101 was discussed. The Examiner indicated that the amendments to claim 1, as set forth above, would most likely overcome the rejection.

Rejection of Claims under 35 U.S.C. § 101

At page 2 of the Office Action, claims 1-9, 11, 16, 18, and 45-46 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. For the reasons set forth below, Applicants respectfully traverse the rejection.

At page 3 of the Office Action, the Examiner asserts that the methods of the instant claims are not tied to a statutory class such as a particular apparatus. Claim 1 features a method step of

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"providing a computer," and further recites that at least one of the assembling, generating, and identifying is performed "by the computer," emphasis added. Accordingly, Applicants respectfully submit that a significant method step is tied to a particular statutory class. Applicants gratefully appreciate supervisory Examiner Moran's indication that these amendments most likely overcome the rejection under 35 U.S.C. §101. In view of this, the rejection of claim 1 is deemed to be overcome. Each of claims 2-9, 11, 16, 18, and 45-46 depends from claim 1, and the rejection of claims 2-9, 11, 16, 18, and 45-46 is deemed to be overcome for at least the same reasons that the rejection of claim 1 is deemed to be overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

Withdrawal of the Rejection of Claims under 35 U.S.C. § 112

Applicant's wish to thank the Examiner for the withdrawal of the rejection of claims 1-11, 13-16, 18, and 45-47 under 35 U.S.C. §112, second paragraph.

CONCLUSION

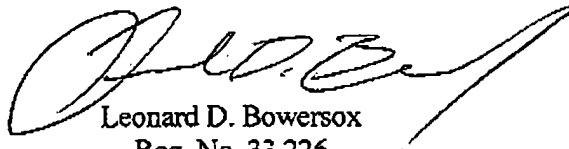
In view of the foregoing remarks, Applicants respectfully request favorable reconsideration of the present application and a timely allowance of the pending claims.

Should the Examiner deem that any further action by Applicants or Applicants' undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

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If there are any other fees due in connection with the filing of this response, please charge the fees to deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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